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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Fiji

1. The Committee considered the initial report of Fiji (CRC/C/28/Add.7) at its 461st and 462nd meetings (see CRC/C/SR.461-462), held on 25 May 1998 and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which followed the guidelines established by the Committee, and the written answers to the list of issues (CRC/C/Q/FIJ/1), which enabled the Committee to assess the situation of the rights of the child in the State party. The Committee also welcomes the frank, self-critical and cooperative dialogue with the State party's delegation.

B. Positive aspects

3. The Committee appreciates the recent establishment of several administrative, monitoring and protection mechanisms on children's rights in the State party such as the Coordinating Committee on Children (CCC), the Children's Unit within the Ministry of Health and Social Welfare, and the Child Abuse Unit within the Police Department.

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* At the 477th meeting, held on 5 June 1998.

4. The Committee notes with appreciation the participation of non-governmental organizations in the CCC and in the elaboration of the State party's report.

5. The Committee takes note of the 1997 amendment to the Juvenile Act regarding the prevention of child pornography.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the particular nature of the State party, its geographical configuration comprising 330 islands, the relatively small population composed of a number of different and isolated communities, as well as the recent changes in the economic structure.

D. Principal subjects of concern

7. While noting the measures envisaged by the State party in the field of law reform, the Committee expresses its concern at the need to harmonize the legislation of the State party fully with the principles and provisions of the Convention. In this regard, it is also concerned at the slow pace in the process of enactment of the Children's and Young Persons' Act.

8. Although the Committee is aware of the existing coordinating and monitoring mechanisms, it is concerned about the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including those belonging to minority groups, children living in institutional care, girl children, and children living in rural areas.

9. The Committee is concerned about the lack of an independent complaint and monitoring mechanism for children, such as an Ombudsperson or a Commissioner for Children.

10. The Committee is concerned that despite the efforts undertaken by the State party in identifying priority areas for budgetary allocation of resources for the benefit of children, insufficient human and financial resources are allocated for the full implementation of the provisions of the Convention.

11. While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children in the provisions and principles of the Convention, as well as to translate the Convention into the Fijian and Hindi languages, the Committee is of the view that these measures are insufficient. The Committee remains concerned at the lack of adequate and systematic training for professional groups working with and for children.

12. The Committee is concerned about the fact that the State party does not appear to have fully taken into account the general principles contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

13. The Committee expresses its concern at the fact that the minimum age for marriage, set at 16 for girls and at 18 for boys, is discriminatory and contrary to the principles of the Convention.

14. With regard to the implementation of article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized by the Convention, in particular in relation to access to education and health services. Of particular concern are certain vulnerable groups of children, especially the girl child, children with disabilities, children living in rural areas or in slums, and children born out of wedlock. In this regard, the Committee considers that the use of the term "illegitimate children" (ex-nuptial children) in the law is contrary to the principle of non-discrimination contained in article 2 of the Convention.

15. The Committee is concerned about the lack of conformity of the birth registration system with all the requirements of article 7 of the Convention.

16. While aware of the initiative presented by the CCC to Fiji's Law Reform Commission for the legal prohibition of the use of corporal punishment, the Committee remains concerned that corporal punishment is still used by parents and that internal school regulations do not contain explicit provisions prohibiting this harmful practice, in conformity with, inter alia, articles 3, 19 and 28 of the Convention.

17. The Committee is concerned at the insufficient awareness of and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, at the insufficient legal protection measures and appropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse.

18. Although the Committee is aware that the existing legislation on adoption is being re-examined, it is concerned that the current legislation does not reflect the principles and provisions of the Convention and does not effectively protect children against illicit transfer and non-return.

19. While the Committee acknowledges the State party's efforts to reduce the infant mortality rate and the under-five mortality rate, it is still concerned about the prevalence of malnutrition and high rates of maternal mortality, as well as the limited access to health services on remote islands.

20. While the Committee takes note of the efforts undertaken by the State party in the field of adolescent health, it is particularly concerned at the high and increasing rate of early pregnancies, the incidence of sexually transmitted diseases among the youth, the occurrence of teenage suicide, the insufficient access by teenagers to reproductive health education and counselling services, including outside schools, and the insufficient preventive measures on HIV/AIDS.

21. With regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

22. While taking note that a compulsory primary education system was gradually established in 1997, the Committee is concerned about the fact that this system is not yet fully in place. The Committee also expresses its concern regarding the high drop-out rates as well as at the unequal access to quality education. It is further concerned about the absence of a public pre-school system in the State party.

23. The Committee is concerned about the existing low minimum age for access to work, set at 12 years. The Committee is concerned about the lack of data on child labour and economic exploitation, including sexual exploitation of children.

24. The Committee is concerned about the insufficient measures to address issues of drug and alcohol abuse which are increasingly affecting children in the State party.

25. The Committee expresses its concern at the insufficient rehabilitation measures for ill-treated, sexually abused and economically exploited children as well as their limited access to the justice system.

26. While the Committee takes note that the administration of juvenile justice is regulated by the Juvenile Act, it is concerned about the full compatibility of this legislation with articles 37, 40 and 39 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned at the lack of legal counselling for children in care centres, that detention is not being used as a measure of last resort, and about the poor state of detention centres. With regard to the minimum age for criminal responsibility, though the Committee is aware that juvenile offenders aged 10 to 17 enjoy a special judicial procedure, it is especially concerned about the low minimum age for criminal responsibility, set at 10 years. The fact that children aged between 17 and 18 years are not considered under the juvenile justice system is also a matter of concern.

E. Suggestions and recommendations

27. The Committee encourages the State party to take all necessary measures to accelerate the process for the enactment of the Children's and Young Persons' Act as well as other legislation related to children's rights. The Committee also recommends that the State party ensure that its domestic legislation fully conforms with the provisions and the principles of the Convention. The Committee further recommends that the principles and provisions of the Convention be taken into account in the Constitutional Amendment Bill (1997). In this regard, it also recommends that a specific reference to the Convention on the Rights of the Child be envisaged.

28. The Committee recommends that the State party envisage ratifying all other major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which all have an impact on the rights of the child.

29. The Committee recommends that the State party strengthen its coordination efforts through the Coordinating Committee on Children. It also recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNICEF.

30. The Committee encourages the State party to give further consideration to the establishment of an Ombudsperson for Children or any equivalent independent complaint and monitoring mechanism.

31. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure the appropriate distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principles of non-discrimination and the best interests of the child (arts. 2 and 3 of the Convention).

32. The Committee recommends that the State party harmonize the minimum age for marriage with the principles and provisions of the Convention.

33. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention (arts. 2, 3, 6 and 12) not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the right to participation of children in the light of article 12 of the Convention.

34. The Committee recommends that a more active approach be taken to eliminate discrimination against certain groups, in particular the girl child, children with disabilities, children in institutional care, children living in rural areas, poor children such as those living in slums, and children born out of wedlock (ex-nuptial children).

35. The Committee recommends that the State party take all appropriate measures to improve its birth registration system in light of article 7 of the Convention. The Committee also recommends that the State party launch awareness-raising campaigns regarding the parents' duty to register newborn children.

36. The Committee recommends that corporal punishment be comprehensively prohibited by law and that measures be taken to raise awareness on the negative effects of corporal punishment and to ensure that discipline in schools, families and institutional care is administrated in a manner consistent with the child's dignity, in light of article 28 of the Convention.

37. In light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including

revision of legislation, to prevent and combat ill-treatment within the family, including domestic violence and sexual abuse of children. It suggests, inter alia, that the authorities set up social programmes to prevent all types of child abuse as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.

38. In light of, inter alia, articles 3, 10 and 21 of the Convention, the Committee encourages the State party to accelerate the process of reform of its legislation relating to adoption and to illicit transfer and non-return. The Committee suggests that the State party envisage acceding to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

39. The Committee recommends that the State party promote adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, especially early pregnancies. The Committee also recommends that further efforts, both financial and human, be undertaken to develop child-friendly care and rehabilitation facilities for adolescents and their families.

40. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of disabled children, envisage awareness-raising campaigns to reduce discrimination against disabled children, establish special education programmes and centres for disabled children and encourage their inclusion into society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and the World Health Organization can be sought to this effect.

41. The Committee recommends that the State party undertake all appropriate measures to accelerate the full implementation of the compulsory education system and to improve the access to education of the most vulnerable groups of children.

42. The Committee recommends that further measures, including legal reform, be taken to fully implement the provisions of article 32 of the Convention and other related international instruments. The Committee encourages the State party to consider acceding to ILO Convention No. 138 regarding minimum age for access to work. Furthermore, efforts should be undertaken to prevent and combat economic exploitation, or any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to the conditions of children working within their families, in order to protect them fully. The Committee recommends that the State party envisage seeking technical cooperation from, inter alia, UNICEF and the ILO in this area.

43. The Committee recommends that the State party strengthen its efforts to prevent and combat drug and substance abuse among children, and take all appropriate measures including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.

44. The Committee recommends that further measures, including legal reform, be taken to fully implement the provisions of article 34 of the Convention, to prevent and combat sexual economic exploitation of children, including the use of children in prostitution and pornography and the trafficking and abduction of children.

45. In light of article 39 of the Convention, the Committee recommends that the State party undertake further efforts to establish rehabilitation centres for child victims of ill-treatment, sexual abuse and economic exploitation.

46. With regard to the administration of juvenile justice, the Committee recommends that the State party take all measures to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in its legislation, its laws, its policies, programmes and practices. In particular, the Committee recommends that it review the provision governing legal counselling for children in care centres in conflict with the law, that detention be used only as a measure of last resort, and that conditions in detention centres be improved. The Committee strongly recommends that the State party raise the minimum age for criminal responsibility and raise to 18 years the age of persons considered under the juvenile justice system. Furthermore, the Committee recommends that the State party consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

47. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention and of its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Japan

1. The Committee considered the initial report of Japan (CRC/C/41/Add.1) at its 465th to 467th meetings (CRC/C/SR.465 to 467) held on 27 and 28 May 1998 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report, which followed the guidelines set by the Committee on the Rights of the Child, as well as for the written answers to its list of issues (CRC/C/Q/JAP/1). It takes note of the supplementary information provided by the delegation during the consideration of its report and the constructive dialogue with the multidisciplinary delegation of the State party.

B. Positive factors

3. The Committee notes the efforts by the State party in the field of law reform. The Committee welcomes the amendments to the Child Welfare Law adopted in 1997 as well as the decision in May 1998 aimed at ensuring that all single mothers have the right to a child allowance for children born out of wedlock. The Committee also takes note of the 1996 revision of the immigration rules regarding residency status for foreign mothers who raise children of Japanese nationals.

* At the 477th meeting, held on 5 June 1998.

4. The Committee welcomes the information given by the delegation that the State party is currently considering ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. The Committee welcomes the State party's initiative to convene a "Children's Diet" as a means of realizing an important dimension of article 12 of the Convention.

C. Principal subjects of concern

6. The Committee notes with concern the reservation made by the State party to article 37 (c) of the Convention, as well as the declarations made in relation to articles 9, paragraph 1, and 10, paragraph 1.

7. The Committee notes with concern that although the Convention on the Rights of the Child has precedence over domestic legislation and can be invoked before domestic courts, in practice courts in their rulings usually do not directly apply international human rights treaties in general and the Convention on the Rights of the Child in particular.

8. While noting the establishment of the Management and Coordination Agency and the Committee for the Promotion of Youth Policy, the Committee is nevertheless concerned about their limited mandate and the insufficient measures adopted to ensure effective coordination between different governmental departments competent in areas covered by the Convention, as well as between the central and local authorities. The Committee is concerned that this may result not only in a lack of coordination of governmental action, but also in inconsistency.

9. The Committee notes with concern the insufficient measures to collect disaggregated statistical data, including data related to the registration of complaints from children, and other information on the situation of children, especially those belonging to the most vulnerable groups, including children with disabilities, children placed in institutions and children belonging to national and ethnic minorities.

10. The Committee is concerned at the absence of an independent body with a mandate to monitor the implementation of the rights of children. It notes that the monitoring system of "Civil Liberties Commissioners for the Rights of the Child" in its present form lacks independence from the Government as well as the authority and powers necessary to fully ensure the effective monitoring of children's rights.

11. While recognizing the efforts of the State party in this respect, the Committee is concerned that insufficient measures have been taken to disseminate and promote widespread awareness in all parts of society, among children and adults alike, about the principles and provisions of the Convention and particularly the importance that the Convention attaches to the notion of the child as a full subject of rights. The Committee is also concerned that the Convention has not been made available in any minority language and at the insufficient steps taken to provide relevant professional groups with training in the rights of the child.

12. While noting with appreciation the active participation of non-governmental organizations in issues related to children's rights, the Committee is concerned that the knowledge and expertise of civil society is not adequately utilized at the present stage of cooperation between the authorities and NGOs, which leads to insufficient participation of NGOs in all stages of implementation of the Convention.

13. The Committee is concerned that the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children from vulnerable categories such as those belonging to national and ethnic minorities, especially Ainu and Koreans, children with disabilities, children in institutions or deprived of liberty and children born out of wedlock. The Committee is particularly concerned about unequal access by children of Korean origin to institutions of higher education and the difficulties encountered by children in general in exercising their right to participate (art. 12) in all parts of society, especially in the school system.

14. The Committee is concerned that legislation does not protect children from discrimination on all grounds defined by the Convention, especially in relation to birth, language and disability. The Committee is particularly concerned about legal provisions explicitly permitting discrimination, such as article 900 (4) of the Civil Code which prescribes that the right to inheritance of a child born out of wedlock shall be half that of a child born within a marriage, and about mention of birth out of wedlock in official documents. It is also concerned at the provision of the Civil Code stipulating a different minimum age of marriage for girls (16 years) from that of boys (18 years).

15. The Committee is concerned at the insufficient measures taken by the State party to guarantee the child's right to privacy, especially in the family, schools and other institutions.

16. In light of article 17 of the Convention, the Committee is concerned at the insufficient measures introduced to protect children from the harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography.

17. In light of article 21 of the Convention, the Committee is concerned at the lack of necessary safeguards to ensure the best interests of the child in cases of intercountry adoption.

18. The Committee is concerned at the number of institutionalized children and the insufficient structure established to provide alternatives to a family environment for children in need of special support, care and protection.

19. The Committee is concerned about the increase of child abuse and ill-treatment, including sexual abuse, within the family. The Committee notes with concern that insufficient measures have been taken to ensure that all cases of abuse and ill-treatment of children are properly investigated,

sanctions applied to perpetrators and publicity given to decisions taken. It is also concerned about the insufficient measures taken to ensure the early identification, protection and rehabilitation of abused children.

20. With regard to children with disabilities, the Committee notes with concern the insufficient measures taken by the State party, notwithstanding the principles laid down in the Fundamental Law for People with Disabilities, 1993, to ensure effective access of these children to education and to facilitate their full inclusion in society.

21. While taking into account the advanced health system and the very low infant mortality rate, the Committee is concerned about the high number of suicides among children and the insufficient measures to prevent this phenomenon, the insufficient access by teenagers to reproductive health education and counselling services, including outside schools, and the incidence of HIV/AIDS among adolescents.

22. While noting the importance given to education by the State party, as illustrated by a very high literacy rate, the Committee is concerned that children are exposed to developmental disorders due to the stress of a highly competitive educational system and the consequent lack of time for leisure, physical activities and rest, in light of the principles and provisions of the Convention, especially its articles 3, 6, 12, 29 and 31. The Committee is further concerned about the significant number of cases of school phobia.

23. The Committee is concerned about the insufficient measures taken by the State party to introduce human rights education into school curricula in a systematic manner, in accordance with article 29 of the Convention.

24. The Committee is concerned at the frequency and level of violence in schools, especially the widespread use of corporal punishment and the existence of numerous cases of bullying among students. While legislation prohibiting corporal punishment and such measures as hot lines for victims of bullying do exist, the Committee notes with concern that current measures have been insufficient to prevent school violence.

25. While noting the draft bill on sexual exploitation, introducing penal sanctions against nationals involved in the exploitation of children through prostitution or pornography, and taking note of the conference organized as a follow-up to the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, the Committee is concerned at the lack of a comprehensive plan of action to prevent and combat child prostitution, child pornography and trafficking of children.

26. The Committee is concerned about the insufficient measures undertaken to address issues of drug and alcohol abuse which are increasingly affecting children in the State party.

27. The situation in relation to the administration of juvenile justice and its compatibility with the principles and provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty is a matter of concern to

the Committee. In particular, the Committee is concerned about the insufficiency of independent monitoring and adequate complaints procedures, the insufficiency of alternatives to detention and to the use of pre-trial detention as a last resort. The conditions in substitute prisons are also a matter of concern.

D. Suggestions and recommendations

28. In light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to consider reviewing its reservation to article 37 (c) and its declarations with a view to their withdrawal.

29. With regard to the status of the Convention in domestic law, the Committee recommends that the State party provide, in its next periodic report, detailed information on cases where the Convention on the Rights of the Child and other human rights treaties have been invoked before domestic courts.

30. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, in order to develop a comprehensive policy on children and ensure effective monitoring and evaluation of the implementation of the Convention.

31. The Committee recommends that the State party take measures to develop a system of data collection and to identify appropriate disaggregated indicators in order to address all areas of the Convention and to facilitate the identification of sectors where further action is needed and the assessment of progress achieved.

32. The Committee recommends that the State party take the necessary steps to establish an independent monitoring mechanism, either by improving and expanding the existing system of "Civil Liberties Commissioners for the Rights of the Child" or by creating an Ombudsperson or a Commissioner for Children's Rights.

33. The Committee recommends that greater efforts be made by the State party to ensure that the provisions of the Convention are widely known and understood by both children and adults. Systematic training and retraining programmes in the rights of the child should be organized for all professional groups, including members of the police, the security forces and other law enforcement officials, judicial personnel, lawyers, magistrates, teachers and school administrators at all levels of education, social workers, officials of central or local administrations, personnel of child-care institutions and health and medical personnel, including psychologists. In order to reinforce the status of the child as a full subject of rights, the Committee recommends that the Convention be incorporated in the curricula of all educational institutions. It further recommends that the Convention in its entirety be made available, and when necessary translated, in minority languages.

34. The Committee encourages the State party to interact and cooperate closely with non-governmental organizations in implementing and monitoring the principles and provisions of the Convention.

35. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), not only guide policy discussions and decision-making, but also are appropriately reflected in any legal revision, judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children. In particular, legislative measures should be introduced to correct existing discrimination against children born out of wedlock. The Committee also recommends that discriminatory treatment of minority children, including Korean and Ainu children, be fully investigated and eliminated whenever and wherever it occurs. Furthermore, the Committee recommends the same minimum age for marriage of boys and girls.

36. The Committee recommends that the State party introduce additional measures, including legislative ones, to guarantee the child's right to privacy, especially in the family, in schools, and in child-care and other institutions.

37. The Committee recommends that the State party adopt all necessary measures, including legal ones, with a view to protecting children from harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography.

38. The Committee recommends that the State party take the necessary steps to ensure that the rights of the child are fully protected in cases of intercountry adoptions and to consider ratifying the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

39. The Committee recommends that the State party take measures to strengthen the structures established to provide alternatives to a family environment for children in need of special support, care and protection.

40. The Committee recommends that the State party collect detailed information and data regarding cases of child abuse and ill-treatment, including sexual abuse, within the family. The Committee recommends that cases of abuse and ill-treatment of children be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in order to enhance understanding of this phenomenon, and that in order to achieve this, an easily accessible and child-friendly complaint procedure be established.

41. In light of the Standard Rules for the Equalization of Opportunity for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party make further efforts to ensure practical implementation of the existing legislation, take alternative measures to institutionalization of children with disabilities, and envisage awareness-raising campaigns to reduce discrimination against children with disabilities and encourage their inclusion into society.

42. The Committee recommends that the State party take all necessary measures to prevent suicides and incidents of HIV/AIDS among adolescents,

including the collection and analysis of information, the launching of awareness-raising campaigns, reproductive health education and the establishment of counselling services.

43. In view of the highly competitive educational system in the State party and its negative effects on children's physical and mental health, the Committee recommends that the State party take appropriate steps to prevent and combat excessive stress and school phobia in light of articles 3, 6, 12, 29 and 31 of the Convention.

44. The Committee recommends that the State party take appropriate measures to include human rights education in the school curricula, in a systematic manner, in accordance with article 29 of the Convention.

45. In light of, inter alia, articles 3, 19 and 28.2 of the Convention, the Committee recommends that a comprehensive programme be devised and its implementation closely monitored in order to prevent violence in schools, especially with a view to eliminating corporal punishment and bullying. Additionally, it recommends that corporal punishment be prohibited by law in the family and in child-care and other institutions. The Committee also recommends that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention.

46. The Committee recommends that the State party design and implement a comprehensive plan of action to prevent and combat child prostitution, child pornography and trafficking of children, in line with the outcome of the 1996 World Congress against Commercial Sexual Exploitation of Children.

47. The Committee recommends that the State party strengthen its efforts to prevent and combat drug and substance abuse among children and take all appropriate measures, including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse.

48. The Committee recommends that the State party envisage undertaking a review of the system of juvenile justice in light of the principles and provisions of the Convention and of other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the establishment of alternatives to detention, the monitoring and complaints procedures and the conditions in substitute prisons.

49. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention and of its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Maldives

1. The Committee considered the initial report of Maldives (CRC/C/8/Add.33 and 37) at its 468th to 470th meetings (see CRC/C/SR.468-470), held on 28 and 29 May 1998, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial reports and the written answers to the list of issues (CRC/C/Q/MAL.1). The Committee is encouraged by the frank, self-critical and constructive dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a high-ranking delegation directly involved in the implementation of the Convention enabled it to assess the situation of the rights of the child in the State party.

B. Positive aspects

3. The Committee notes the enactment of the Law on the Protection of the Rights of the Child (Law 9/91), which constitutes a basis for the development of more comprehensive legislation in this area.

* At the 477th meeting, held on 5 June 1998.

4. The Committee welcomes the establishment of the National Council for the Protection of the Rights of the Child, in charge of monitoring the goals set by the National Plan of Action, as well as the Unit for the Rights of the Child (URC) within the Ministry of Women's Affairs and Social Welfare, in charge of the implementation of the Convention in the State party.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note of the particular nature of the State party, its geographical configuration comprising 1,190 islands, out of which only approximately 200 are inhabited, the relatively small population composed of a number of different and isolated communities, as well as changes in the economic structures and rapid population growth.

D. Principal subjects of concern

6. The Committee is concerned that the reservations made to articles 14 and 21 of the Convention by the State party may affect the implementation of the rights guaranteed in these articles.

7. The Committee expresses its concern regarding the need to harmonize fully the Law on the Protection of the Rights of the Child (Law No. 9/91) and other domestic legislation with the principles and provisions of the Convention, taking into account its holistic nature.

8. Although the Committee is aware of existing coordinating mechanisms, it is concerned at the insufficiently systematic and comprehensive, and also disaggregated, quantitative and qualitative data-collection, for all areas covered by the Convention, especially the most vulnerable groups of children, such as children living in institutional care, girl children and children living on isolated islands.

9. The Committee is concerned at the lack of a specific mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children, especially the most vulnerable ones, in urban and rural areas.

10. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party.

11. The Committee is concerned regarding the lack of participation of civil society in designing and implementing policies and programmes for children.

12. While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children on the provisions and principles of the Convention, as well as the translation of the Convention into the Maldivian language (Dhivehi), the Committee is of the view that these measures are still insufficient.

13. The Committee is concerned at the lack of clarity on the status of children aged between 16 and 18 years. In this regard, it is especially concerned by the low minimum ages for marriage and criminal responsibility.

14. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

15. With regard to the implementation of article 2, the Committee is concerned at the insufficient measures adopted to ensure the full enjoyment by girl children and children with disabilities of the rights recognized in the Convention. The Committee is also concerned at the situation of children born out of wedlock, especially with regard to their right to inheritance. Furthermore, the Committee expresses its concern at the existing disparities between children living on the capital island of Male and those living on remote islands.

16. While aware of the efforts undertaken by the State party for the prevention of ill-treatment of children, the Committee expresses its concern at the insufficient awareness of and lack of information on ill-treatment and abuse, including sexual abuse both within and outside the family, at the insufficient legal protection measures, at the inappropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures for such children and their limited access to justice are also matters of concern.

17. The Committee is concerned at the high rate of divorce - considered among the highest in the world - in the State party and its possible negative impact on children. The Committee is also concerned at the lack of research and studies on the harmful consequences on children of divorces and early marriages as well as the insufficient measures to create public awareness on the detrimental effects of divorce.

18. The Committee expresses its concern at the insufficient alternative care measures for children deprived of a family environment.

19. Despite the State party's efforts in reducing infant mortality rate and increasing child immunization, the Committee is concerned at the prevalence of malnutrition (stunting and iron deficiency) and high maternal mortality rate, as well as the limited access to safe water and adequate sanitation. The Committee is also concerned regarding problems of adolescent health, in particular the high and increasing rate of early pregnancies, the lack of access by teenagers to reproductive-health education and services, and the insufficient preventive measures against HIV/AIDS. Furthermore, the Committee expresses its concern at the insufficient measures to promote breast-feeding of children, especially in health facilities.

20. With regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

21. Although the Committee is aware of the State party's achievements in the area of primary school enrolment, it remains concerned at the fact that education is not compulsory by law, at the high drop-out rate between primary and secondary school, at the shortage of trained teachers, at the existing gender disparities in secondary school enrolments and at disparities in the access to education between the capital and the atolls.

22. While the Committee is aware of the plans to establish a drug rehabilitation unit, it expresses its concern at the insufficient measures undertaken to address issues of drug abuse which are increasingly affecting children in the State party.

23. The Committee expresses its concern at the insufficient preventive measures, including legal ones, to avoid the emergence of child labour and economic exploitation, including sexual exploitation. The Committee is also concerned at the lack of preventive measures, including legal ones, concerning child prostitution, child pornography, trafficking and sale of children.

24. While the Committee takes note that the administration of juvenile justice is regulated by the Penal Code and the Law on the Protection of the Rights of the Child, it is concerned about the full compatibility of such legislation with articles 37, 40 and 39 of the Convention as well as other relevant standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Although the Committee is aware that juvenile offenders aged up to 16 enjoy a special judicial procedure, it is particularly concerned regarding the situation of those between 16 and 18 years, who are considered as adults.

E. Suggestions and recommendations

25. In the light of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, which encouraged States to withdraw reservations to the Convention on the Rights of the Child, the Committee recommends the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.

26. The Committee recommends the State party to engage in a comprehensive reform of its legislation, with a view to ensuring its full conformity with the principles and provisions of the Convention.

27. The Committee encourages the State party to accede to other major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and

Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which all bear an impact on the rights of the child.

28. The Committee recommends that the State party strengthen and extend the activities of the Coordinating Committee on Children. It also recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNICEF.

29. The Committee encourages the State party to consider the establishment of an independent mechanism to fully monitor the implementation of the Convention, especially for the most vulnerable groups of society.

30. With regard to the implementation of article 4 of the Convention, the Committee encourages the State party to consider the possibility of seeking international cooperation for additional resources to implement all the rights enshrined by the Convention.

31. In order to enhance the partnership with all components of the civil society in implementing the Convention, the Committee strongly encourages the State party to facilitate the establishment of non-governmental organizations dealing with children and to cooperate with them.

32. The Committee encourages the State party to pursue its efforts for the dissemination of the principles and provisions of the Convention and in providing training to all professional groups working with and for children. The Committee suggests that the State party seek assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

33. The Committee recommends that the State party raise the legal age of definition of the child, which is currently set at 16 years. In this regard, the legal minimum ages for marriage and criminal responsibility should be reviewed.

34. It is the Committee's view that further efforts should be undertaken to ensure that the general principles of the Convention (arts. 2, 3, 6 and 12) not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children.

35. The Committee recommends that the principle of non-discrimination, as provided under article 2 of the Convention, be fully implemented. A more proactive approach should be taken to eliminate discrimination against the girl child, children with disabilities, children living on remote islands, and children born out of wedlock. The Committee encourages the State party to enact and implement its National Policy on Women, which may bear a positive impact on the status of the girl child.

36. In the light of article 19 of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat ill-treatment within the family and sexual abuse of children. It suggests, inter alia, that the authorities set up social programmes to prevent all types of child abuse as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence, and special investigators or community focal points.

37. The Committee recommends that the State party accelerate the enactment of its Family Law. The Committee also recommends that the State party undertake research and studies on the negative impact of family disruption on children as well as to continue with its awareness-raising campaign on this issue. Furthermore, the Committee recommends to the State party to improve counselling services for parents.

38. In view of article 20 (3) of the Convention, the Committee recommends that the State party give consideration to the establishment of alternative care measures, such as kafalah, for children deprived of a family environment.

39. The Committee recommends that the State party promote adolescent health policies and programmes by, inter alia, strengthening reproductive-health education and counselling services as well as improving preventive measures to combat HIV/AIDS. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of the phenomenon of adolescent health problems, including the negative impact of early marriages. The Committee also recommends that further efforts, both financial and human, such as the development of counselling services for both young people and their families, be undertaken for the prevention and care of adolescents' health problems and for the rehabilitation of victims.

40. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce their discrimination, establish special education programmes and centres, and encourage their inclusion in society. The Committee also recommends to the State party to undertake research on the causes of disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and the World Health Organization (WHO) can be sought to this effect.

41. With regard to article 28 of the Convention, the Committee recommends the State party to make primary education compulsory and available free to all, to improve the training of school teachers and the access to education of the most vulnerable groups of children, including girl children and children living on remote islands. The Committee recommends the State party to consider seeking international assistance from, inter alia, UNICEF and UNESCO.

42. The Committee recommends that preventive measures, including legal reform, be taken to fully implement the provisions of article 32 of the Convention and other related international instruments.

43. In light of article 34 of the Convention, the Committee recommends that preventive measures, including legal reform, be taken to prevent and combat the sexual exploitation of children, including through pornography, prostitution, trafficking and sale.

44. In the light of articles 24, 33 and 39 of the Convention, the Committee recommends to the State party to strengthen its efforts to prevent and combat drug and substance abuse among children, and to take all appropriate measures, including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and the World Health Organization.

45. With regard to the administration of juvenile justice, the Committee recommends that the State party accelerate the adoption of special procedures for children to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39 as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty in its legislation, laws, policies, programmes and practices. In particular, the Committee recommends special procedures for children aged between 16 and 18, who are currently considered adults, to establish special courts for children and to review the provision of legal counselling for children in care centres. Furthermore, the Committee recommends to the State party to consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

46. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and civil society.

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